

Missouri Well Installation Board
Department of Natural Resources
Missouri Geological Survey
Geological Survey Program
Wellhead Protection Section

May 2, 2014

RULE UPDATE
Agenda Item #8

- a. Rulemaking Strategy
<http://dnr.mo.gov/geology/geosrv/docs/Rulemaking-Strategy-4-21-14.pdf>
- b. Request to Begin Rulemaking

CHAPTER 1 Definitions and Organization Structure

1. Definitions 10 CSR 23-1.010

The drilling industry and outside stakeholders have requested inclusion of new definitions brought about by new technology and changes to industry standards since the last rule revision in 1996.

Staff recommendation: Staff recommends the Board direct staff to begin the rulemaking process for this rule.

2. Modification by the Division 10 CSR 23-1.040

The amendment will include language clarification and general administrative cleanup of the rule language.

Staff recommendation: Staff recommends the Board direct staff to begin the Rulemaking process for this rule.

3. Application for a Permit 10 CSR 23-1.060

Denial of an Application 10 CSR 23-1.080

Reinstatement 10 CSR 23-1.130

Placement of Permit Number 10 CSR 23-1.140

Well Drilling and Pump Machine Registration 10 CSR 23-1.155

Mail and Notification Procedures 10 CSR 23-1.160

These rules have not been amended since 1994. Possible revisions will reflect more relevant technology such as email, online submittal of forms, and online permitting as well as other procedures allowed over the last twenty (20) years.

Staff recommendation: Staff recommends the Board direct staff to begin the rulemaking process for these rules.

CHAPTER 3 Well Construction Code

4. Standards for Construction of Wells 10 CSR 23-3.030
Regionalization 10 CSR 23-3.090
Sensitive Areas 10 CSR 23-3.100

Specific drilling areas will be revised based on stakeholder meetings held in each drilling area. As an example, Area 2 rules will be revised to reflect wells drilled in oil and/or gas bearing zones and fiberglass casing will be addressed in Areas 3 and 4.

Staff recommendation: Staff recommends the Board direct staff to begin the rulemaking process for these rules.

5. Well Casing Seals and Connections 10 CSR 23-3.040
Pump Installation 10 CSR 23-3.050
Certification and Registration Reports 10 CSR 23-3.060
Plastic Well Casing 10 CSR 23-3.070
Liners 10 CSR 23-3.080

These rules were promulgated in 1987 and last amended in 1996. Several well drilling and pump installation contractors have contacted staff regarding the need to revise these rules. These contractors have stated that after eighteen (18) years, some of the rules need to be revised so that they reflect actual drilling procedures and new technology used in the field.

Staff recommendation: Staff recommends the Board direct staff to begin the rulemaking process for these rules.

6. Well Plugging 10 CSR 23-3.110

The amendment will help clarify and include plugging procedures for all types of wells. The current rule does not address the plugging of public wells or high yield bedrock wells. The draft will also address plugging procedures when a liner cannot be removed from the well during the plugging process and other changes discussed during the stakeholder process.

Staff recommendation: Staff recommends the Board direct staff to begin the rulemaking process for this rule.

CHAPTER 4 Construction Standards for Monitoring Wells

7. Construction Standards for Monitoring Wells 10 CSR 23-4.060

This rule was amended in 2011 due to new technology within the monitoring well industry. During the three (3) years the amendment has been effective, industry and staff have discovered minor changes that need to be addressed because of those revisions.

Staff recommendation: Staff recommends the Board direct staff to begin the rulemaking process for this rule.

CHAPTER 6 Testhole Construction and Plugging Code

8. Definitions 10 CSR 23-6.010

General Protection of Groundwater Quality and Resources 10 CSR 23-6.020

Location of Testholes 10 CSR 23-6.030

Construction Standards for Testholes 10 CSR 23-6.040

Plugging of Testholes 10 CSR 23-6.050

Confidentiality of Registration Report Forms 10 CSR 23-6.060

The amendment will include language clarification to the definition of a test hole, remove references to “test wells”, define “quickly” as it relates to the plugging of test holes, possible change to the required casing depth, defining a “temporary surface plug” and other construction and plugging standards.

Staff recommendation: Staff recommends the Board direct staff to begin the rulemaking process for these rules.

c. Appeals Rulemaking 10 CSR 23-1.075

The draft rulemaking was on interagency review until March 27th, no comments were received from the Committee. The next step in the rulemaking process is to file the proposed amendment with the Secretary of State’s Office.

Staff recommendation: Staff recommend the Board approve the Finding of Necessity that this rule action is necessary to carry out the Board’s rulemaking authority and that the department proceed with the filing of the proposed amendment, as presented (or changed) with the Secretary of State.